

**WITNESS PROTECTION**  
**Copenhagen, 30 August 2005**  
**(Europol)**

As you may know, Europol's mission is to improve the effectiveness of the European Union's law enforcement action against organised crime, with special emphasis on targeting criminal organisations. Therefore, since Europol took up its activities fully, in July 1999, it has been our belief that witness protection should be made available in all the Member States of the European Union, as it is a very powerful tool, if not "the" tool, in the fight against organised crime and terrorism.

However, bearing in mind the great sensitivity of the matter and the understandable hesitation of the experts in sharing methods and relevant experiences in this field, we have, from the very early stages of the project made clear that the aim would be neither to create a centralised body which would coordinate the operational work of the specialised units in the Member States nor to interfere in the current bilateral contacts between Member States.

Europol's mission, we said, is to assist Member States' Law Enforcement Agencies in their fight against organised crime and not to create divisions or unnecessary barriers.

Therefore, it was decided that Europol would focus on a few aspects, in which it could provide the participating countries with added value. In particular:

- creating a network of experts in this field, who could exchange and share information on "good practice";
- collect all available legal and practical arrangements in Member States concerning witness protection for the use of specialised units;
- ensure, assist and co-ordinate the establishment of law enforcement units specialised in witness protection in the countries where they don't yet exist;
- organise seminars and training courses on witness protection.

The work carried out so far has already led to several important results. For example:

- ✓ A network of Heads of Specialised Units for Witness Protection (or national contact points, where specialised units do not exist) has been created. All 25 Member States, 2 Accession Countries, 8 States which are not (or not yet) members of the European Union and 12 International Organisations acting in this field within Europe are represented. These Heads of Specialised Units for Witness Protection meet on a regular basis, and have the opportunity to exchange good practice. The next expert meeting will be held at Europol on 14 December. The main topic to be discussed will be 'change of identity'. Legal, operational and psychological aspects will be covered in depth for the benefit of all the experts of the working group.
  
- ✓ Being unique in its genre, the network has progressively been broadened to include colleagues from experienced countries overseas. As a result, five new countries have been fully contributing to our initiatives in the last three years: Australia, Canada, New Zealand, South Africa and USA. This year relationships have been developed with selected Asian countries, in order to make the network truly global;
  
- ✓ From time to time, this exchange of good practice leads to the production of important documents, which are used as "EU guidelines" afterwards. This is the case, for instance, for the two entitled "*Basic principles in the European Union police co-operation in the field of Witness Protection*", and "*Common Criteria for taking a witness into a Protection Programme*", focusing respectively on the international relocation of witnesses and related issues and the criteria for taking a witness into a protection programme. These two documents are currently used in the participating countries as a common legal framework on this matter and are the basis for a Framework decision on witness protection which will soon be taken;
  
- ✓ Four European Seminars on witness protection have already been organised in Rome, Oslo, Riga and Siracusa. The first focussed on "psychological aspects of witness protection", the second on "practical cases (successes/failures - assessment)" the third on "psychological support to spouses and minors under protection"

and the fourth on “psychological support to practitioners (protection officers and their managers)”;

- ✓ Extensive legal, technical and tactical support has been provided worldwide to those countries willing to implement witness protection at national and international level;

This is, in a nut shell, what the project is about. There are, of course, many other ongoing initiatives, such as the support to those countries that are just setting up a witness protection scheme, and also a European Union Commission/ISISC/OPCO/Europol<sup>1</sup> working group on the harmonisation of legislation on witness protection, regional partnerships, joint initiatives with other international organisations dealing with Witness Protection in the South East European countries and much more.

Of course, a lot of work has still to be done. However, it seems to me that we are on the right track. In particular, when looking back, Europol was able to overcome long standing constraints such as the chromosomal suspicion and the understandable hesitation of those responsible for witness protection at national level to share sensitive information with others. As a result, Europol was able to create a unique network of professionals where mutual trust and respect is now outstanding.

Even more important, Europol was able to identify long standing hindrances to international police cooperation in this field which, in turn, particularly affected the international relocation of witnesses. As a consequence, Europol has successfully implemented a “regional strategy” which is playing a crucial role in the development of witness protection not only within the border of the European Union but also in the Accession States and in the Balkan countries.

This regional strategy very much takes into account factors which were considered irrelevant to witness protection in the past, such as language, religion, national historical background, but also national welfare, landscape and weather. In other words, all the factors which past

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<sup>1</sup> ISISC stands for International Institute of Higher Studies in Criminal Sciences, whilst OPCO stands for Osservatorio Permanente sulla Criminalita' Organizzata (Monitoring Centre on Organised Crime). Both are located in Siracusa, Italy.

experience proved to be the main hidden reasons of failure of international cooperation in this field.